

2611

Our Docket No: 42390P11540

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Pendakur et al.

Application No: 10/044,544

Filed: January 11, 2002

For: Content Distribution In A Digital
Broadcast Data Service

Examiner: Not Yet Assigned

Art Unit: Not Yet Assigned

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INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, the references listed on the enclosed Form PTO-1449 are submitted for consideration by the Examiner in the examination of the above-identified patent application.

The full consideration of the references in their entirety by the Examiner is respectfully requested and encouraged. Also, it is respectfully requested that the references be entered into the record of the present application and that the Examiner place his or her initials in the appropriate area on the enclosed Form PTO-1449, thereby indicating the Examiner's consideration of each of the references.

The submission of the references listed on the Form PTO-1449 is for the purpose of providing a complete record and is not a concession that the references listed thereon are prior art to the invention claimed in the patent application. The right is expressly reserved to establish an invention date earlier than the above-identified filing date in order to remove any reference submitted herewith as prior art should it be deemed appropriate to do so.

Further, the submission of the references is not to be taken as a concession that any reference represents art that is relevant or analogous to the claimed invention. Accordingly, the right to argue that any reference is not properly within the scope of prior art relevant to an examination of the claims in the above-identified application is also expressly reserved.

FIRST CLASS CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Assistant Commissioner for Patents, Washington, D. C. 20231 on.

February 26, 2002
(Date of Deposit)

Krista Mathieson

(Typed or printing name of person mailing correspondence)

Krista Mathieson
(Signature of person mailing correspondence)

The Information Disclosure Statement is being filed:

- ☒ (a) within three months of the filing date of the patent application, (b) within three months of the date of entry into the national stage as set forth in 37 C.F.R. § 1.491 of the international application, or (c) before the mailing date of a first Office Action on the merits, or (d) before the mailing date of a First Office Action after the filing of a request for continued examination under § 1.114.
- ☐ after (a), (b), (c) or (d) above, but before the mailing date of a final action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, and includes:
- ☐ the Certification under 37 C.F.R. § 1.97(e) (see "Certification" below).
- ☐ the fee of \$180 set forth in 37 C.F.R. § 1.17(p) (see "Fees" below).
- ☐ after the mailing date of a final action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, and includes the Certification under 37 C.F.R. § 1.97(e) (see "Certification" below), a Petition requesting consideration of the Information Disclosure Statement (see "Petition" below), and the Petition Fee set forth in 37 C.F.R. § 1.17(i) (see "Fees" below).

Copies Of The References

- ☒ Copies of all references listed on the enclosed Form PTO-1449 are enclosed herewith. Attached to each reference not in the English language is a concise explanation of the relevance pursuant to 37 C.F.R. § 1.98(a)(3).
- ☐ A copy of the foreign search report is enclosed herewith.
- ☐ All references listed on the enclosed Form PTO-1449 were previously identified in the parent application of the present application, and copies of the references were furnished at that time. Accordingly, additional copies of the references are not submitted herewith, so as not to burden the file with duplicate copies of references. The Examiner is respectfully requested to carefully review the references in accordance with the requirements set out in the Manual of Patent Examining Procedure. In accordance with 37 C.F.R. § 1.98(d), the details of the parent application(s) relied upon for an earlier filing date under 35 U.S.C. § 120 in which copies of the references were previously furnished are set out below:

U.S. APPLICATIONS		Status (<i>check one</i>)		
U.S. APPLICATIONS	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
1.				
2				
3.				



Other Applications

☒ The Examiner's attention is directed to the following U.S. patent application(s):

U.S. APPLICATIONS		Status (check one)		
U.S. APPLICATIONS	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
1. 09/533,048	3/22/2000		X	
2. 09/532,034	3/22/2000		X	
3. 09/533,024	3/22/2000		X	
4. 09/717,579	11/21/2000		X	
5. 09/735,434	12/12/2000		X	
6. 09/895,987	6/28/2001		X	
7. 09/823,484	3/30/2001		X	
8. 09/823,566	3/30/2001		X	
9. 09/823,400	3/29/2001		X	
10. 09/823,421	3/29/2001		X	
11. 09/854,129	5/11/2001		X	
12. 10/445,546	1/11/2002		X	
13. 10/043,918	1/11/2002		X	
14. 09/895,744	6/29/2001		X	
15. 09/895,433	6/30/2001		X	
16. 09/966,676	9/28/2001		X	
17. 09/967,829	9/28/2001		X	
18. 09/962,286	3/24/2001		X	
19. 09/882,205	6/15/2001		X	
20. 09/882,486	6/15/2001		X	
21. 09/882,090	6/15/2001		X	
22. 09/882,091	6/15/2001		X	
23. 09/882,105	6/15/2001		X	
24. 09/882,487	6/15/2001		X	
25. 09/882,485	6/15/2001		X	
26. 09/941,433	8/28/2001		X	
27. 09/941,435	8/28/2001		X	
28. 09/895,057	6/28/2001		X	
29. 09/941,424	8/28/2001		X	
30. 10/002,139	10/31/2001		X	

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U.S. APPLICATIONS		Status (<i>check one</i>)		
U.S. APPLICATIONS	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
31. 09/965,531	9/26/2001		X	

Certification

- ☐ The **undersigned attorney** hereby certifies that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.
- ☐ The **undersigned attorney** hereby certifies that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application or, to the knowledge of the attorney signing after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

Petition

- ☐ The undersigned attorney hereby petitions the Commissioner to consider this Information Disclosure Statement and the references listed on the enclosed Form PTO-1449 in the examination of the above-identified patent application.

Fees

- ☒ No fee is owed by the applicant(s).
- ☐ The **IDS Fee of \$180.00** under 37 C.F.R. § 1.17(p) is enclosed herewith.
- ☐ The **Petition Fee of \$130.00** set forth in 37 C.F.R. § 1.17(i) is enclosed herewith.

Method Of Payment Of Fees

- ☐ Attached is a check in the amount of \$ 180.00
- ☐ Charge Deposit Account No. 02-2666 in the amount of \$. (A duplicate copy of this communication is enclosed for that purpose.)

Authorization To Charge Additional Fees

- ☒ If any additional fees are owed in connection with this communication, please charge Deposit Account No. 02-2666. (A duplicate copy of this communication is enclosed for that purpose.)

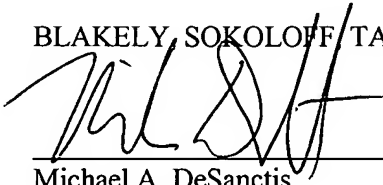
Instructions As To Overpayment

- ☒ Credit Account No. 02-2666.
☐ Refund

Respectfully submitted,

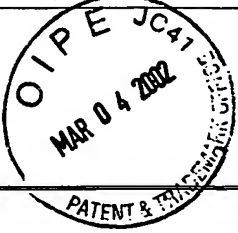
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 2/26/02



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Substitute for Form 1449A/PTO (Modified) (use as many sheets as necessary)		Attorney Docket No.: 042390P11540		Application Number: 10/044,544	
		First Named Inventor: Pendakur et al.		RECEIVED	
		Filing Date: January 11, 2002		MAR 08 2002	

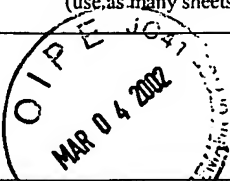
U.S. PATENT DOCUMENTS						
Exam. Initial*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number Code ²	Kind (If known)			
			4,602,279	Freeman	07/22/86	
			5,155,591	Wachob	10/13/92	
			5,444,499	Saitoh	08/22/95	
			5,446,919	Wilkins	08/29/95	
			5,564,088	Saitoh	10/08/96	
			5,600,364	Hendricks et al.	02/04/97	
			5,686,954	Yoshinobu et al.	11/11/97	
			5,945,988	Williams et al.	08/31/99	
			5,977,964	Williams et al.	11/02/99	
			6,002,393	Hite et al.	12/14/99	
			6,114,376	Prichard et al.	11/05/00	
			6,184,918	Goldschmidt Iki et al.	02/06/01	
			6,020,883	Herz et al.	2/1/00	
			6,144,376	Connelly	11/7/00	
			5,991,841	Gafken et al.	11/23/99	
			6,119,189	Gafken et al.	11/07/00	
			6,131,127	Gafken et al.	10/10/00	

FOREIGN PATENT DOCUMENTS								
Exam. Initial*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³ Code ⁵	Number ⁴	Kind (If known)				
			WO 00/01149		Wachtfogel et al.	1-6-00		
			WO 99/65237		Ismail et al.	12-19-99		
Examiner Signature					Date Considered			

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard S.3). ⁴For Japanese patent documents, the indication of the year of reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Substitute for Form 1449A/PTO (Modified) (use as many sheets as necessary)		Attorney Docket No.: 42390P11540	Application Number: 10/044,544
2		First Named Inventor: Pendakur et al.	RECEIVED
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OTHER ART - NO PATENT LITERATURE DOCUMENTS

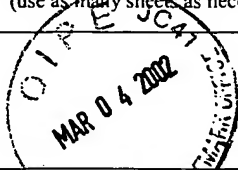
Examiner Initials*	Cite No ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	Translation ²
		INTEL: Intel Architecture Labs. Internet and Broadcast: The Key To Digital Convergence. Utilizing Digital Technology to Meet Audience Demand. Pages 1-4. Copyright 2000.	
		INTEL: Intel Architecture Labs. Client Infrastructure for Internet-Based Data Services for Digital Television: Enabling A New Class of DTV Services. Copyright 2000 Pages. 1-10.	
		Enhanced Digital Broadcast, Web Page [online]. IAL Digital Entertainment [retrieved on 8/21/2001] Retrieved from the Internet: <URL: http://www.developer.intel.com/ial/home/digentertain/edb.htm . Pages 1-3.	
		Internet Protocol (IP) Multicast Technology Overview. White paper [online]. Cisco Systems, Inc. Posted June 27, 2001. [retrieved on 6/29/2001] Retrieved from the Internet: <URL: http://www.cisco.com/warp/public/cc/pd/iosw/tech/ipmu_ov.htm Pages 1-16.	
		"What is Replay TV? Introducing the new ReplayTV 2020". ReplayTV, Web Page [online]. ReplayTV [retrieved on March 21, 2000] Retrieved from the Internet: URL<: http://www.replaytv.com/overview/index.htm . Page 1.	
		"Features. Your Time, Your Schedule". ReplayTV, Web Page [online]. [retrieved on March 21, 2000] Retrieved from the Internet: <URL: http://www.replaytv.com/overview/features.htm . Pages 1-2.	
		Frequently Asked Questions. Will ReplayTV make me more popular? And other frequently asked questions. ReplayTV, Web Page [online]. [retrieved on March 21, 2000] Retrieved from the internet: <URL: http://www.replaytv.com/overview/faqs.htm Pages 1-4.	
		ReplayTV: Features/Benefits. ReplayTV, Web Page [online]. [retrieved on March 21, 2000] Retrieved from the internet<URL: http://www.replaytv.com/overview/details.htm Pages 1-3.	
		Competitive Differences. ReplayTV, Web Page. [online] [retrieved on March 21, 2000] Retrieved from the Internet<URL: http://www.replaytv.com/overview/differences.htm . Pages 1-2.	
		Technical Specifications. ReplayTV, Web Page. [online] [retrieved on March 21, 2000] Retrieved from the internet<URL: http://www.replaytv.com/overview/techspecs.htm . Page 1.	

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		First Named Inventor: Pendakur et al.	RECEIVED MAR 08 2002
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OTHER ART - NO PATENT LITERATURE DOCUMENTS Technology Center 2600			
Examiner Initials*	Cite No ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	Translation ²
		A Better Way to WATCH TV. What is TiVo? Web Page. [online] [retrieved on March 21, 2000] Retrieved from the internet<URL: http://www.tivo.com/what/intro.html . Page 1.	
		Control LIVE TV. What is TiVo? Web Page. [online] [retrieved on March 21, 2000] Retrieved from the internet<URL: http://www.tivo.com/what/intro2.html . Page 1.	
		Something GOOD is Always On. What is TiVo? Web Page. [online] [retrieved on March 21, 2000] Retrieved from the internet<URL: http://www.tivo.com/what/intro3.html . Page 1.	
		Channel SURF in a Whole New Way. What is TiVo? Web Page. [online] [retrieved on March 21, 2000] Retrieved from the internet<URL: http://www.tivo.com/what/intro4.html . Page 1.	
		DIGITAL Recordings without the Tape. What is TiVo? Web Page. [online] [retrieved on March 21, 2000.] Retrieved from the internet<URL: http://www.tivo.com/what/intro5.html . Page 1.	
		What you want, When you Want it. TM What is TiVo? Web Page. [online] [retrieved on March 21, 2000] Retrieved from the internet<URL: http://www.tivo.com/what/how.html . Page 1.	
		PRODUCT Specifications. What is TiVo? Web Page. [online] [retrieved on March 21, 2000] Retrieved from the internet<URL: http://www.tivo.com/what/how2.html . Page 1.	
		Frequently asked Questions. What is TIVO? Web Page. [online] [retrieved on March 21, 2000] Retrieved from the internet<URL: http://www.tivo.com/what/faq_sub.html . Pages 1-9.	
		Digital Video Broadcasting (DVB); Specifications for Service Information (SI) in DVB systems. European Broadcasting Union. ETSI EN 300 468 V1.4.1 (2000-11) Pages 1-83. France. Copyright 2000.	
		Program And System Information Protocol for Terrestrial Broadcast And Cable (Revision A) AND Amendment No. 1. Advanced Television Systems Committee. Doc. A/65A. Dec. 23, 1997. Rev. A - May 31, 2000. Pages a - e AND pages 1 - 135. Copyright 2000.	
		SMYTH, B. et al. A Personalized Television Listings Service; Communications of the ACM. August 2000, Vol. 43, No. 8. Pages 107-111.	
		HASKELL, BARRY G. et al., Digital Video: An Introduction to MPEG-2; 1997; Chapman & Hall; New York, NY. Pgs. 280-283.	

Examiner Signature		Date Considered	
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